



**CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY**

BRIEFING: APRIL 2012 BOARD MEETING AGENDA ITEM #6

TO: Board Chairman Dan Richard

FROM: Tom Fellenz, Chief Counsel, Acting Chief Executive Officer

DATE: April 5, 2012

RE: Item 6: Approval of Amendment to Nossaman Contract

Summary and Recommendation

The Nossaman Law Firm's original contract amount of \$1,200,000 is anticipated of being depleted in April, 2012. It was recognized from the onset that the original budgeted amount had been based on the legal work to be performed that could not be performed by the Attorney General's office at that time and did not accommodate for the increasing requirements of the program. The services of the Nossaman Law Firm are needed and must be extended through Fiscal Year (FY) 2012-13 to assure consistency and retain institutional knowledge throughout the next 1.5 years which are critical to the completion of the procurement process for all 5 construction package contracts on the Initial Operating Section in the Central Valley, assistance with Environmental Permitting process with State and Federal Agencies, state bond act compliance, FRA funding and credit assistance, Federal Surface Transportation Board jurisdiction assistance, FRA regulatory requirements, and freight railroad negotiations. The continuation of these services is critical to HSR to assure future Proposition 1A and federal funding for the \$6 billion Initial Operating Section through the Central Valley, compliance with federal and state legal requirements, completion of all 5 procurements documents for the design build construction contracts.

Authority Board action will be needed to amend the Nossaman contract prior to the end of the fiscal year to enable the work to proceed uninterrupted. Therefore, Staff recommends the Board authorize the Acting Chief Executive Officer (CEO) to negotiate a contract amendment with the Nossaman through FY2012-13 in the amount of \$4.7 million (bringing the total contract amount to \$5.9 million).

Background

The following narrative describes the scope of the work to be performed by Nossaman:

- Assure all necessary state and Environmental Permits are obtained
- Provide legal support in securing Proposition 1A and Federal grant funding requirements
- Prepare and prosecution of application or declaratory order petitions for federal Surface Transportation Board jurisdiction.

- Assist with the evaluation of freight railroad business and legal positions on shared or adjacent facilities.
- Assist with application for FRA regulatory requirements.
- Provide legal assistance in the procurement process for all five design build construction packages for the Central Valley including request for qualifications, request for proposals, contract drafting and the like.

Attachments

HSRA Resolution # HSRA 12-14